

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS : CIVIL ACTION  
Plaintiff, : NO. 2:19-cv-05030-JDW  
-vs- :  
THE MIDDLE EAST FORUM, :  
Defendants. :

**PLAINTIFF, LISA BARBOUNIS'S  
MOTION TO COMPEL DEPOSITIONS**

Pursuant to Rule 37 of the Federal Rule of Civil Procedure and Rule 26.1(g) of the Local Rules, Plaintiff, Lisa Barbounis ("Plaintiff" or "Ms. Barbounis") moves for an Order compelling Defendant, The Middle East Forum's ("Defendant") oral discovery.

1. The deadline for fact discovery to end is currently October 28, 2020.
2. Plaintiff has attempted to schedule the depositions of six (6) individuals who are:  
(1) Greg Roman, (2) Daniel Pipes, (3) Mark Fink, (4) Matthew Bennet, (5) Steve Levey, and  
(6) Laurence Hollin.
3. Plaintiff suggested scheduling depositions on September 24, 2020. See Exhibit A.
4. October 14, 2020, Plaintiff identified six individuals who Defendant agreed would attend depositions in this case and in Caitriona Brady v. The Middle East Forum. See Exhibit B.
5. Plaintiff's October 14, 2020 email suggested twelve (12) dates for the depositions of the above six individuals. Plaintiff agreed to conduct depositions on nights, weekends, or anytime that was convenient for Defendants and suggest it should only require three (3) days. Id.
6. Defendants ignored Plaintiff's email entirely.
7. Two (2) days later, October 16, 2020, Plaintiff sent another email identifying the same six (6) individuals for depositions. See Exhibit C.

8. The October 16, 2020 email suggested that the parties' counsel should schedule a meet and confer call to set aside dates convenient for all parties to conduct depositions. Id.

9. The October 16. 2020 email also assured Defendants that Plaintiff's counsel would facilitate whatever depositions Defendants needed during the same call. Id.

10. A call was scheduled that same day. During the call Plaintiff's counsel helped Defendants schedule depositions for Plaintiff, Lisa Barbounis, Vasilli Barbounis, Jane Reynolds, and Patricia McNulty. Id. (this exhibit confirms only that the call was scheduled).

11. The parties' counsel also discussed lengths of time for the six depositions. Counsel for Defendants agreed to provide dates for the depositions of (1) Daniel Pipes, (2) Matthew Bennett, (3) Mark Fink, (4) Steve Levey, (5) Laurence Hollin, and (6) Greg Roman.

12. To date, Defendants have not provide any dates and have ignored Plaintiff entirely.

13. Attorney, Sidney Gold ("Mr. Gold") was on the call representing Defendant, Greg Roman, along with Dave Walton who represents Greg Roman and Defendant, MEF. Mr. Gold represented that Greg Roman would not agree to be deposed before the discovery deadline.

14. Greg Roman has demonstrated a pattern of avoidance for his deposition.

15. Plaintiff attempted to schedule Greg Roman's deposition in the matter of Caitriona Brady v. The Middle East Forum. Greg Roman first refused to schedule his deposition. After it was Ordered by Judge Kearney, Greg Roman, through counsel, asserted that he would only sit for a two hour deposition from 4:00 P.M., to 6:00 P.M. See Exhibit D.

16. Defendant, Greg Roman's conduct is the central issue in this case.

17. October 20, 2020, Plaintiff sent Defendants another email identifying and attempting to schedule the six depositions. See Exhibit E.

18. The parties held another meet and confer call to discuss outstanding discovery issues on October 20, 2020. The parties also discussed scheduling depositions. See Exhibit F.

19. October 21, 2020, Plaintiff sent Defendants another email identifying and attempting to schedule the six depositions. See Exhibit G.

20. October 22, 2020, Plaintiff sent Defendants another email identifying and attempting to schedule the six depositions. See Exhibit H.

21. Defendants' pattern of refusal in this case is identical to that in Caitriona Brady v. The Middle East Forum. See Plaintiff's Motion to Compel marked Exhibit "I".

22. Judge Kearny had to issue an Order that (1) Daniel Pipes, (2) Matthew Bennett, (3) Mark Fink, (4) Steve Levey, (5) Laurence Hollin, and (6) Greg Roman. See Exhibit J.

23. Plaintiff will be severely prejudiced if she is unable to conduct the depositions of the six individuals complicit in the conduct that gave rise to her claim.

WHEREFORE Plaintiff respectfully requests the Court grant Plaintiff's Motion to Compel and Order (1) Daniel Pipes, (2) Matthew Bennett, (3) Mark Fink, (4) Steve Levey, (5) Laurence Hollin, and (6) Greg Roman to appear for their respective depositions by October 28, 2020.

**DEREK SMITH LAW GROUP, PLLC**

By: /s/ Seth D. Carson  
Seth D. Carson, Esquire  
1835 Market Street, Suite 2950  
Philadelphia, Pennsylvania 19103  
Phone: 215.391.4790  
Email: [seth@dereksmithlaw.com](mailto:seth@dereksmithlaw.com)

DATED: October 22, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 9, 2020, a true and correct copy of the foregoing Motion to was filed and served electronically through the Court's CM/ECF system.

Sidney L. Gold sgold@discrimlaw  
Sidney L. Gold & Associates P.C.  
1835 Market Street, Suite 515  
Philadelphia, PA 19103  
Tel: (215) 569-1999  
Fax: (215) 569-3870  
Counsel for The Middle East Forum

David J. Walton  
COZEN O'CONNOR  
One Liberty Place Suite 2800  
1650 Market Street  
Philadelphia, PA 19103  
P: 215.665.2000  
F: 215.665.2013  
[dwalton@cozen.com](mailto:dwalton@cozen.com)

**DEREK SMITH LAW GROUP, PLLC**

By: /s/ Seth D. Carson  
Seth D. Carson, Esquire  
1835 Market Street, Suite 2950  
Philadelphia, Pennsylvania 19103  
Phone: 215.391.4790  
Email: [seth@dereksmithlaw.com](mailto:seth@dereksmithlaw.com)

DATED: October 22, 2020

**CERTIFICATION PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 26.1(F)**

Counsel for Plaintiff, Lisa Barbounis hereby certifies pursuant to Local Rule of Civil Procedure 26.1(f) that the parties after reasonable effort are unable to resolve the dispute.

Counsel for the parties have exchanged many electronic communications as demonstrated in the accompanying Motion to Compel. The emails referenced in the accompanying Motion as Exhibits A through J indicate multiple attempts to resolve this dispute including two telephone conferences to meet and confer. Defendants' strategy seems to be an attempt to run out the clock.

Moreover, Defendants have yet to indicate that Greg Roman, the primary harasser whose actions are upon which this case is premised will even appear for a deposition. Apparently, Greg Roman scheduled travel plans and left the country in the weeks where discovery was ending in three (3) cases in the Eastern District of Pennsylvania. Plaintiff has asked for dates for Greg Roman numerous times and the only response provided by Defendants is that Greg Roman is unable to schedule his deposition. We are now within seven (7) days of the date when fact discovery closes and Plaintiff requests the Court's assistance to Order that the primary six individuals with knowledge related to Plaintiff's claims attend and testify at deposition.

**DEREK SMITH LAW GROUP, PLLC**

By: /s/ Seth D. Carson  
Seth D. Carson, Esquire  
1835 Market Street, Suite 2950  
Philadelphia, Pennsylvania 19103  
Phone: 215.391.4790  
Email: [seth@dereksmithlaw.com](mailto:seth@dereksmithlaw.com)

DATED: October 22, 2020